

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 32x

6 By: Thompson (Roger) and Hall
7 of the Senate

8 and

9 Wallace and Martinez of the
10 House

11 COMMITTEE SUBSTITUTE

12 An Act relating to the Oklahoma Health Care
13 Authority; requiring that portions of certain
14 appropriated funds be used for certain purposes;
15 directing Oklahoma Health Care Authority to implement
16 increased payment for certain long-term care and
17 intermediate care facilities for individuals with
18 intellectual disabilities; directing the Authority to
19 distribute funds to certain institutions; requiring
20 the Authority to work with certain association to
21 create the methodology for disbursement; requiring
22 submission of certain plan by certain date; providing
23 for duties and compensation of administrators and
24 employees; authorizing payment of certain expenses;
authorizing certain transfers; requiring certain
transfers; authorizing certain early transfer
requests; authorizing the exemption of unanticipated
federal funds from expenditure and budgetary
limitations; providing procedures; requiring certain
budget procedures; prohibiting certain budget
procedures; and providing lapse dates.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. From the funds appropriated to the Oklahoma Health
2 Care Authority in Enrolled House Bill No. 1004 of the 1st
3 Extraordinary Session of the 59th Oklahoma Legislature, the sum of
4 Thirty Million Dollars (\$30,000,000.00) shall be used to provide
5 grant funding to providers for the one-time connection to the state-
6 designated entity for health information exchange.

7 SECTION 2. From the funds appropriated to the Oklahoma Health
8 Care Authority in Enrolled House Bill No. 1004 of the 1st
9 Extraordinary Session of the 59th Oklahoma Legislature, the sum of
10 Forty-seven Million Seven Hundred Sixty-seven Thousand Four Hundred
11 Fifty-eight Dollars (\$47,767,458.00) shall be used to increase
12 reimbursement to long-term care facilities by Thirty-five Dollars
13 (\$35.00) per day and reimbursement to intermediate care facilities
14 for individuals with intellectual disabilities (ICF/IID) by
15 Seventeen Dollars (\$17.00) per day.

16 SECTION 3. A. From the funds appropriated to the Oklahoma
17 Health Care Authority in Enrolled House Bill No. 1004 of the 1st
18 Extraordinary Session of the 59th Oklahoma Legislature, the sum of
19 Two Hundred Million Dollars (\$200,000,000.00) shall be used for one-
20 time funding to critical access hospitals and hospitals
21 participating in the Supplemental Hospital Offset Payment Program.

22 B. The Authority shall work in conjunction with an Oklahoma-
23 based association of hospitals to create the methodology for the
24 disbursement of this funding.

1 C. The Authority shall submit to the Senate Appropriations
2 Committee Chair and the House of Representatives Appropriations and
3 Budget Committee Chair a plan for the disbursement of the funds
4 listed in this section by no later than July 31st, 2023.

5 SECTION 4. A. The duties and compensation of employees, not
6 otherwise prescribed by law, necessary to perform the duties imposed
7 upon the Oklahoma Health Care Authority by law shall be set by the
8 Administrator of the Oklahoma Health Care Authority.

9 B. The Oklahoma Health Care Authority is authorized to:

10 1. Pay professional expenses of the Administrator of the
11 Authority including dues, licenses, professional memberships, and
12 continuing education classes conducted in this state; and

13 2. Pay professional expenses of any employee including dues,
14 licenses, professional memberships, continuing medical education
15 classes conducted in this state, and medical malpractice insurance
16 provided he or she is a full-time employee of the Authority in
17 accordance with subsection B of Section 5006 of Title 63 of the
18 Oklahoma Statutes and is utilizing those professional skills in the
19 performance of his or her job duties.

20 SECTION 5. In order to facilitate cash management of federal
21 grant receipts and disbursements, the Office of Management and
22 Enterprise Services shall transfer monies between the Oklahoma
23 Health Care Authority federal and revolving funds in amounts
24 requested by the Oklahoma Health Care Authority.

1 SECTION 6. The Oklahoma Health Care Authority is authorized to
2 transfer funds from Fund 205 and Fund 270 to Fund 200 and Fund 340
3 to satisfy claims made to the Authority under the Supplemental
4 Hospital Offset Payment Program Act.

5 SECTION 7. The Administrator of the Oklahoma Health Care
6 Authority may request, in the manner provided in this section, that
7 receipt and expenditure of unanticipated federal funds awarded after
8 July 1, 2023, be exempt from expenditure limitations and from
9 budgetary limitations.

10 1. The Administrator shall make a request for exemption to the
11 Office of Management and Enterprise Services in writing and file a
12 revised budget program.

13 2. The Administrator shall also file copies of the request for
14 exemption and budget work program revisions with the Senate
15 Appropriations Committee Chair and the House of Representatives
16 Appropriations and Budget Committee Chair. The Senate
17 Appropriations Committee Chair and/or the House Appropriations and
18 Budget Committee Chair shall notify the Office of Management and
19 Enterprise Services of any noncompliance of the request with
20 legislative intent within twelve (12) calendar days of receipt of
21 the exemption request. The Office of Management and Enterprise
22 Services shall approve the request for exemption unless both the
23 Chair and Vice Chair of the Legislative Oversight Committee on State
24 Budget Performance provide written notification to the Office of

1 Management and Enterprise Services within twelve (12) calendar days
2 of the Committee's receipt of the exemption request that the
3 exemption subverts the intention and objectives of the Legislature
4 in establishing the original limit. The Office of Management and
5 Enterprise Services shall give written notice of approval or
6 disapproval of each exemption to the agency, the Governor, the Chair
7 of the Senate Appropriations Committee, and the Chair of the House
8 Appropriations and Budget Committee within eighteen (18) calendar
9 days of receiving the request.

10 SECTION 8. A. The Director of the Office of Management and
11 Enterprise Services shall transfer monies appropriated from the
12 General Revenue Fund and the Health Care Enhancement Fund to the
13 Oklahoma Health Care Authority disbursing funds in the amounts and
14 ratios requested by the Authority, except that the cumulative
15 amounts transferred shall not exceed the cumulative amounts of equal
16 monthly allotments of the appropriations from the General Revenue
17 Fund and Health Care Enhancement Fund.

18 B. Monies appropriated or collected for the fiscal year ending
19 June 30, 2024, may be transferred to these disbursing funds for the
20 fiscal year ending June 30, 2023, to satisfy encumbrances and
21 obligations of such fiscal year; provided, that monies equal in
22 amount are transferred from appropriations or collections for the
23 fiscal year ending June 30, 2023, to the disbursing fund for the
24 fiscal year ending June 30, 2024, to satisfy encumbrances and

1 obligations of such fiscal year. All transfer requests shall be in
2 writing to the Director of the Office of Management and Enterprise
3 Services.

4 C. The Oklahoma Health Care Authority shall maintain records of
5 the inter-year transfers.

6 SECTION 9. The Administrator of the Oklahoma Health Care
7 Authority may request, through the Director of the Office of
8 Management and Enterprise Services, the early transfer by the
9 Oklahoma Tax Commission of tax collections to the General Revenue
10 Fund for the purpose of early allocation to the agency's disbursing
11 funds to alleviate cash-flow problems.

12 SECTION 10. Appropriations made by Enrolled House Bill No. 1004
13 of the 1st Extraordinary Session of the 59th Oklahoma Legislature,
14 not including appropriations made for capital outlay purposes, may
15 be budgeted for the fiscal year ending June 30, 2024 (hereafter FY-
16 24), or may be budgeted for the fiscal year ending June 30, 2025
17 (hereafter FY-25). Funds budgeted for FY-24 may be encumbered only
18 through June 30, 2024, and must be expended by November 15, 2024.
19 Any funds remaining after November 15, 2024, and not budgeted for
20 FY-25, shall lapse to the credit of the proper fund for the then
21 current fiscal year. Funds budgeted for FY-25 may be encumbered
22 only through June 30, 2025. Any funds remaining after November 15,
23 2025, shall lapse to the credit of the proper fund for the then
24 current fiscal year. These appropriations may not be budgeted in

1 both fiscal years simultaneously. Funds budgeted in FY-24, and not
2 required to pay obligations for that fiscal year, may be budgeted
3 for FY-25, after the agency to which the funds have been
4 appropriated has prepared and submitted a budget work program
5 revision removing these funds from the FY-24 budget work program and
6 after such revision has been approved by the Office of Management
7 and Enterprise Services.

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